Remember the Old Apple Inc?

Petition To End Apple's Suppression of Free Speech and Demand Tim Cook's Resignation

Abstract

This petition seeks a return to the Apple of the past—an Apple that innovated and inspired; an Apple that respected the law; an Apple that did not oppress critics, defy court orders, or disregard the Supreme Court's recent CASA ruling. Today's Apple, under Tim Cook, has abandoned its legacy, choosing instead to retaliate against developers exercising their First Amendment rights, to flout judicial mandates, and to silence voices—including those of a medical hero whose groundbreaking cardiac research helped reduce heart attack deaths by 90%, and his disabled colleague advocating tirelessly for antitrust reform.

Can you remember the old Apple—the one symbolized by this colorful logo they have long since abandoned? Perhaps this image is telling of the company Apple used to be, and the stark difference it shows today.

Apple Inc. does not assent to the publication of this petition nor the accompanying request for amicus participation. This is a public-interest petition addressing the global threat posed by Big Tech, whose influence—as it merges with Artificial Intelligence—will profoundly impact the freedoms, economy, and daily lives of all people.

Apple's historical rainbow-themed logo is utilized strictly for purposes of historical reference, public identification, commentary, and First Amendment-protected petitioning activity. Its use in this petition is entirely non-commercial, nominal, and intended solely to distinguish and contrast Apple Inc.'s previous lawful and innovative corporate conduct with the actions alleged herein as unlawful. No sponsorship, endorsement, affiliation, or approval by Apple Inc. of this petition or its contents is implied, intended, or should be inferred. This constitutes fair use under applicable trademark law (15 U.S.C. § 1115(b)(4)).

Urgent Plea for Public Support in a Globally Significant Antitrust Fight Against Apple

We are small app developers and physicians who have dared to challenge Apple's tightening grip over the digital world. We write this open letter to **fight for the freedom of the smartphone you buy** – freedom from a Big Tech gatekeeper that increasingly controls the main access point to the internet and, by extension, controls much of our daily lives. Apple's rise to dominance has been **insidious**, masked by its image as a premium, innovative brand that people proudly display. But beneath the sleek marketing, Apple's power has grown into something reminiscent of **"1984"** – an all-seeing authority over what software you can use, what information you receive, and which competitors or critics get silenced. This is not just about one company's success; it's about **preserving consumer choice, fair competition, and even democracy itself** from a private actor that has amassed unprecedented influence.

We learned the truth about Apple's unchecked power the hard way. In 2020, at the dawn of COVID-19, our team – including **Dr. Robert Roberts**, a renowned cardiologist whose early blood-test innovations (the **MBCK enzyme assay** and later troponin biomarkers) helped **reduce heart attack deaths by nearly 90%** over recent decades – developed a free public health app called **"Coronavirus Reporter."** Our aim was to let ordinary people report and share pandemic-related information. Put simply, we wanted to democratize communication between the public, in an emergency, something many felt the early COVID days lacked. **Apple summarily blocked our app which facilitated such communication from the App Store**, refusing to let it reach iPhone users. In doing so, Apple **squelched the voice of a life-saving medical pioneer** – Dr. Roberts – who had stepped up to help in a crisis. It was a shocking lesson: even a hero-physician who revolutionized cardiac care can be **trampled and silenced by Apple** if his efforts don't align with Apple's gatekeeping policies. This despicable treatment of a doctor who has saved countless lives opened our eyes to Apple's alarming overreach.

Another teammate, **Dr. Jeffrey Isaacs**, is a disabled physician who has devoted the past five years to advocating for antitrust action against Apple. For his efforts, he now finds himself under what can only be described as a **First Amendment ambush** by Apple and its attorneys – a concerted legal attack meant to punish and intimidate him for speaking out. Apple's counsel has a long history of **unconscionable abuse toward Dr. Isaacs**, resorting to highly oppressive tactics which we will expose as this matter progresses.

In our current lawsuit, Apple's lawyers have even demanded an extraordinary **"gag order"** to **ban us and others from filing lawsuits against Apple in the future** – a nationwide pre-filing injunction against non-parties. This outrageous ask doesn't just target Dr. Isaacs and our small company; it flies in the face of fundamental principles of judicial fairness **recently affirmed by the U.S. Supreme Court**, which warned against courts issuing broad injunctions against people who aren't even before them. In short, Apple is trying to rewrite the rules to shut us up for good, rather than answer our claims. We refuse to be silenced, and we believe the public must know what is happening.

Herein, we **urgently request specific actions** from the Court and invite **public support** to help level the playing field. Following that, we will explain why this fight matters to **everyone who values consumer rights, innovation, and justice**. We'll outline how Apple's conduct over the years – from imposing a **30% "tax" on the internet to secret deals with China, from defying government regulations to crushing critics – forms a disturbing pattern**. Our case may be the **canary in the coal mine**: if Apple can steamroll us with impunity, it could **do the same to anyone**, and parts of our culture and economy are already suffering as a result. We ask that you read our story and consider joining this battle, before it's too late.

Our Urgent Requests

To start, we respectfully **plead for immediate relief and support** in our litigation. These steps will help restore fairness and transparency in a case with far-reaching consequences:

- **Hold a Prompt Public Hearing:** We urge the Court to convene an **open public status conference or hearing** on our case as soon as possible. Only through a public forum can our concerns be heard in full and sunlight cast on the issues at stake. This case is moving quickly and has global implications; a **timely, public hearing** will ensure that justice is not only done but **seen to be done**. It will also reassure the public that the courts take these concerns seriously and are not operating behind closed doors to our disadvantage.
- For reasons comprehensively argued herein, we respectfully submit that Tim Cook's resignation is grounded in bedrock legal principles and is proportionate to the gravity of Apple's misconduct under his tenure. This course of action aligns with the **expectation of accountability** that our legal system places on those in power. It seeks to remedy the situation by urging new leadership that will respect court orders, uphold the law, and fulfill Apple's obligations to fair competition and honest dealing. Demanding Mr. Cook's resignation is thus not a punitive measure for its own sake, but a necessary step to restore **lawful corporate governance** at Apple and to affirm the rule of law. This is an open petition to Apple's Board of Trustees to review this matter and provide a substantive public response. Absent this, you are complicit in the crimes of Mr. Cook and shall be named individually.
- **Invite Amicus Curiae ("Friend of the Court") Briefs:** We respectfully request that the Court **issue an open invitation for amicus briefs** from interested parties. This antitrust fight raises complex **public-interest issues** – not only about market competition, but also about **free expression, consumer rights, and the intersection of private lawsuits with government enforcement**. We are small developers up against one of the world's wealthiest corporations; we lack the resources to brief all the broader implications on our own. **Public interest groups, industry experts, and other third parties** should be encouraged to share their unique insights with the Court. They can provide perspective beyond what the immediate parties can offer . We specifically suggest inviting input on: (a) the merits of Apple's pending sanctions motion (where Apple seeks to gag us and even non-parties from future petitioning); (b) any renewed motions to dismiss by Apple (especially if a new judge takes over post-recusal); (c) the **First Amendment implications**

of Apple's attempt to obtain a litigation gag order; and (d) the broader **competitive context** – how our case relates to and represents ongoing concerns about Apple's longstanding monopolistic practices.
- We also ask that a **courtesy copy of the Court's amicus invitation** be sent to the U.S. Department of Justice's Antitrust Division (under 28 U.S.C. § 517) and to any public interest organizations the Court deems appropriate, so that those entities are alerted and can contribute if they wish.

Each of these requests is made in **good faith** and out of genuine urgency. We are trying to preserve the court's authority – to ensure that our **right to petition** (guaranteed by the First Amendment) is upheld and that this case, which affects billions, is given a fair chance. So far, we have felt our voices **stifled** in the proceedings, as we describe next. The above measures can inject much needed openness and balance into this fight.

Our Right to Be Heard Is Under Threat

The **First Amendment** of the U.S. Constitution grants every citizen the right to **petition the government for redress of grievances**. For ordinary people like us, **the courtroom is our only avenue to petition** when a giant corporation harms us and won't listen. Yet throughout this case, we have encountered **disturbing obstacles** that have effectively **blunted our petitioning rights**:

- **Key Arguments Not Heard:** Time and again, our legitimate claims and evidence have been **brushed aside or ignored**. We have strong allegations backed by facts – including how Apple's App Store policies violated antitrust laws and damaged our business – but we have not been given a proper hearing on these points. Filings have been dismissed on technicalities without ever grappling with the substance. It feels like the **merits of our case are being sidelined**, leaving us voiceless despite the gravity of our claims.
- **Procedural Maneuvers Over Justice:** We've experienced what can only be described as a *tilted playing field*. There have been **restrictive procedures and uneven application of rules** that always seem to favor Apple's side. When Apple asks for delays or leniency, they often get it; when we seek reasonable accommodations, we're denied. This one-sided rigidity has left us feeling **effectively silenced**. It is hard to escape the perception that the scales of justice have been weighted against us – perhaps because our opponent is a $3 trillion company adept at bending the legal system to its will.
- **Appearance of Bias or Indifference:** We have deep respect for the judiciary and do not make any accusations lightly. However, the **pattern of rulings and remarks** in our case so far gives us reason to worry that the court may be **overly deferential to Apple or indifferent to our plight**. When a small innovator's grievances against a powerful monopolist are not vigorously safeguarded, it **undermines public confidence** in the fairness of the process. We genuinely fear that **prejudice (conscious or not)** has taken root, putting impartial justice out of reach. At minimum, the optics are such that an observer might reasonably question whether a bias has crept in. We seek to *correct this course now* – through public oversight and fresh eyes – rather than allow the damage to fester.

Our intent in raising these issues is **out of our deep respect for the judicial process**, and to **rescue our cause and the principles at stake which impact everyone**. If our **fundamental right to be heard** is eroded here, it sets a dangerous precedent. Today it's our antitrust and free speech claims being muted; tomorrow it could be someone else's environmental, consumer, or civil rights claims. The public interest is ill-served when courts (even inadvertently) send the message that **might makes right**. We ask for the chance to fully present our case, with an **open mind in the judge's seat and sunlight on the proceedings**. Nothing more, nothing less.

Ensuring a Fair Forum: Recusal and Outside Oversight

Given the serious concerns outlined above, we have come to the difficult conclusion that **extraordinary measures** are warranted to protect the integrity of this case. We respectfully signal our intent to formally move for the following, and we explain our reasons:

- **Judicial Recusal:** To remove even the **appearance of bias** and to restore our faith that we can get a fair shake, we believe the current presiding judge should consider **recusing** from this case. This is not a step we take lightly. We acknowledge the professionalism of the Court, but the **trust** that is essential between litigants and the tribunal has been badly frayed. An antitrust case of this magnitude – potentially affecting billions of consumers and almost a million developers – **deserves a judge who will treat it with fresh eyes, full attention, and scrupulous neutrality**. If our fears of bias are misplaced, a new judge will confirm that by handling the matter impartially. If our fears are valid, recusal is the only remedy. Either way, changing the adjudicator would *instantly improve public confidence* in the fairness of these proceedings. We simply ask for a chance to make our case before a court that we can trust to listen.
- **Referral to the Department of Justice:** We further urge that the **U.S. Department of Justice (DOJ)** be apprised of the situation and consider intervening or opening an **investigation**. Apple's conduct as we have experienced it – both in the marketplace and in court – may well rise to the level of **willful, egregious monopolization**. In fact, the DOJ's Antitrust Division has already recognized aspects of Apple's monopoly: in **March 2024, the DOJ (joined by 16 states) sued Apple** for "monopolization of smartphone markets" under the Sherman Act, citing Apple's "**broad-based, exclusionary conduct**" that **imposes extraordinary costs on developers, businesses, and consumers**. However, we have attempted to clarify through the Judicial Panel on Multidistrict Litigation whether the DOJ's case would address the full breadth of issues raised by ours – such as Apple's censorship of apps, its retaliation against developers, and the associated free-speech and social harms. The response was **concerning**: the **government's case is narrowly focused** and does **not** extend to many of the **speech, developer-rights, or cultural issues** central to our lawsuit. In other words, significant aspects of Apple's abuse of power **could go unaddressed** unless our case moves forward. This gap in enforcement is why **private antitrust suits like ours** are so vital. It's also why we believe DOJ's involvement is still needed: to examine Apple's behavior for any **criminal violations** (e.g. deliberate obstruction of justice, witness intimidation, or other unlawful tactics) and to lend support to ensure Apple is held accountable on all fronts. **No company, however powerful, is**

above the law. By referring our case to DOJ, the Court would reinforce that principle and potentially bring additional resources to bear, in parallel with our civil claims.

In summary, we will be asking for **recusal and DOJ referral** out of a sober duty to the **public interest**. If granted, a new judge plus the watchful eye of federal enforcers would together guarantee that this antitrust dispute is handled with the **rigor, impartiality, and scope** it warrants. Even if these requests are not immediately granted, we urge the Court to seriously consider them – and in the meantime, to welcome **amicus participation** as a way of ensuring that all perspectives (not just Apple's) are heard when key decisions are made. The stakes are too high to do otherwise.

The Pattern of Apple's Unchecked Power

Why are we so concerned? Because we have witnessed first-hand, and gathered from many others, a **pattern of unchecked power and bullying by Apple** that threatens not just us, but **innovation, consumer choice, and even social norms**, **public health, and cultural preservation** across the globe. To anyone who still thinks of Apple as just a trendy phone maker or a "luxury" brand, consider the following **alarming facts and examples** of Apple's dominance:

- **Monopoly Over the Mobile Gateway:** The iPhone (and Apple's iOS software) is a **primary gateway to the internet** for billions. Yet Apple maintains an **iron grip** on that gateway through its App Store, deciding unilaterally **what apps may enter** and on what terms. If a product or idea isn't in Apple's favor, Apple can ban it – and the world's iPhone users will never even know it existed. This control extends to news apps, health apps, social media, you name it. **One private company controls what information and services are available on a huge portion of the world's personal devices.** That is a staggering concentration of power over speech and commerce. There is no escape either; 80% of Americans use Apple and would have extreme difficulty leaving the so-called ecosystem.
- **The 30% Apple "Tax" on the Internet:** Apple skims **a 30% commission on virtually every digital transaction** made through iPhone apps. Buying necessary software? 30% to Apple. Purchasing a bonus in a game? 30% to Apple. This hefty toll (often dubbed the *"Apple tax"*) **raises prices for consumers and siphons revenue from creators and developers**. It's essentially a **tax on the digital economy** imposed by an entity that faces no democratic accountability. Even the U.S. Justice Department noted that Apple's monopoly lets it **"extract more money"** from the public as well as developers. Those funds, in a competitive market, could have gone toward higher wages for creators or lower prices for users. Instead, they bolster Apple's $50+ billion annual App Store revenues – money that further entrenches Apple's power.
- **Secret Deals and Foreign Influence:** Apple's interests do not necessarily align with the free world's values. Case in point: Apple CEO Tim Cook cut a secret deal with the Chinese government worth an estimated $275 **billion**. Under this 2016 agreement (only revealed later by journalists), Apple pledged to **boost China's economy** with massive investments and tech sharing, in exchange for favorable treatment. Such entanglements raise a dire question – *to what extent is Apple beholden to an authoritarian regime?* Indeed, Apple has

shown a willingness to **censor apps and content at Beijing's request** (for example, removing VPN apps that allowed Chinese citizens to circumvent internet censorship). Meanwhile, Apple seems perfectly comfortable enabling the rise of apps like **TikTok** – a Chinese-owned platform accused of eroding privacy and spreading harmful content – because it drives iPhone engagement and appeases China. By kowtowing to China's demands and allowing invasive platforms free rein, Apple may be **abetting an assault on our culture and security**. Can we trust a company in this position to be the guardian of our digital lives? What if a foreign adversary sought to break our culture through forcing us to use dangerous apps, and Apple was the key medium to do this?

- **Defying Regulators – "Malicious Compliance" in the EU:** Around the world, governments have begun waking up to Apple's dominance. The European Union passed new pro-competition laws (such as the Digital Markets Act, DMA) to curb Big Tech's excesses. Apple's response has been to **drag its feet and do the bare minimum** – or worse, to engage in what Epic Games' CEO famously called "**malicious compliance**." For years, Apple insisted on its restrictive App Store model in Europe, even in the face of multi-million euro fines for non-compliance. Only at the last possible moment did Apple announce changes – and those changes were cynical. Apple replaced its defiant **"Core Technology Fee (CTF)"** (a €0.50 per download levy it had imposed) with an even more surreptitious **"Core Technology Commission (CTC)"** – an effective **15% commission on transactions** – effective 2026. For free apps, it is not 15%: it is an unsurmountable censorship fee. Apple basically swapped one fee for another, ensuring it still exacts a toll from developers who use alternative payment methods. As Epic's CEO Tim Sweeney put it, Apple's scheme "makes a mockery of fair competition… Apps with competing payments are not only **taxed** but **commercially crippled** in the App Store". In short, Apple appears willing to **flout the spirit of the law** and undermine regulators, just to maintain its stranglehold and profit. It is the behavior of a company that thinks itself **above rules** that bind everyone else.
- **Censorship and Control Over Speech:** Apple's App Store is not just a marketplace; it's a **choke point for information**. If Apple doesn't like your message or if your app potentially competes with an Apple service, **don't count on reaching iPhone users**. We experienced this directly when our **COVID-19 health app was banned**, but it's far from an isolated case. Apple routinely **rejects or removes apps** for opaque reasons – including news apps, apps by political dissidents, or apps from competitors – and there is **no appeal beyond Apple itself**. During the Hong Kong pro-democracy protests, Apple infamously removed an app used by protesters to track police activity, under pressure from Beijing. In the U.S., Apple has banned apps that allowed users to configure their devices in ways Apple didn't approve. Think about that: something as simple as customizing your phone or accessing certain web content can be barred because Apple says no. This level of **top-down control over expression and access** is not normal or acceptable. We wouldn't tolerate a government ministry deciding which websites we can visit; why do we accept Apple's control over which apps we can run?
- **Stifling of Innovation and Research:** Apple's sway is so great that it can even **squelch scientific inquiry and public discourse**. Many researchers and health experts have raised questions about the impacts of smartphones on our lives – from the effects of **prolonged screen time on children's mental health** to the potential **health risks of constant**

microwave radiation non-ionizing radiofrequency (RF) exposure (like 5G cellular signals). These are complex issues still being studied, but one thing is clear: **independent research and debate are needed** to guide public policy. Yet Apple and has shown little interest in supporting such research and, at times, have actively undermined it. For example, Apple has been known to downplay studies suggesting smartphone use might be addictive or harmful to youth, only making token gestures like "Screen Time" features after public pressure. When it comes to RF emissions, the tech industry (including Apple) has **lobbied against stricter exposure standards** and often dismisses concerned voices as conspiracy theorists. By controlling App Store content, Apple can even ban or bury apps that share information on these topics. The result is a chilling effect – **fewer resources and platforms for exploring tech's side effects**, and thus a public kept largely in the dark. Profit motives should not trump **child safety** or **consumer health**, yet with Apple's domination, profit so often *does* come first. To be blunt, Apple is not using the $4 trillion its customers trust it with to research a better environment and a safer internet (despite their campaigns otherwise); they are using it to build a monopoly that out-powers any government. It is time to wake up to this fact, sadly.

- **Bullying Critics and Competitors:** Apple has a well-earned reputation for **litigation aggression**. If a smaller company speaks up or encroaches on Apple's turf, Apple's answer is frequently *not* to compete on the merits but to **unleash an army of lawyers**. We have felt this personally (as detailed in the next section), and we are not alone. A notable example is **AliveCor**, a startup making heart-monitoring wearables. AliveCor accused Apple of infringing its heart-tech patents; Apple responded not just with legal defenses but with a full-spectrum attack – launching a competing feature on the Apple Watch and then **bombarding AliveCor with lawsuits and patent challenges**. AliveCor's CEO described how Apple "**'bombards' smaller companies with litigation it knows they won't be able to afford**," essentially **using legal costs as a weapon** . Industry experts, including medical device innovators and intellectual property lawyers, have **backed up this claim**, observing that Apple often fights dirty to **wear down its opponents**. Other companies like **Epic Games, Spotify, Tile, Hey.com,** and **Basecamp** have also gone public with stories of Apple's bullying – from threatening to remove their apps, to imposing draconian rules, to retaliating when they complained. This pattern sends a grim message to the market: **Innovate in Apple's ecosystem only at Apple's pleasure.** If you get too successful or challenge their rules, you'll be crushed or cast out. This fear stifles would-be competitors and chills the very **"open marketplace of ideas"** that underlies our economy and democracy.

In light of all the above, it's no exaggeration to say that **every aspect of your digital life can be impacted by Apple's policies** – often in ways you don't see. Apple's dominance touches your **wallet (higher app prices)**, your **choices (fewer apps or features available)**, your **culture (what content is amplified or restricted)**, your **security and privacy (deciding which risks are tolerated)**, and even the **information you consume or create**. We are raising the alarm because **Apple's power has grown beyond healthy limits**, and the usual checks and balances (market competition, regulation, consumer pressure) have so far failed to tame it.

Our **antitrust lawsuit** is, at its heart, an attempt to apply one of the last and strongest tools the public has – the **rule of law** – to hold Apple accountable and reinject some fairness into the system.

Our Experiences Fighting Apple's Legal Onslaught

To demonstrate the urgency of our plea, allow us to share a bit more of what it's been like standing up to Apple in court. It is **nothing like an idealized David vs. Goliath story**; it's more like Goliath stomping on David before the fight can even fairly begin. Apple's litigation conduct exemplifies the very **"abuse of power"** that our case seeks to challenge:

- **Legal Blitz to Overwhelm:** From day one, Apple has **bombarded us with motions and threats**, clearly aiming to bury us in paperwork and drain our scant resources. They filed complex motions to dismiss, an intimidating sanctions motion (accusing us and even our attorney of bad faith for simply pressing our claims), and they've claimed we owe *Apple* a half million dollars in fees for Gibson Dunn & Crutcher. The strategy is transparent: **throw so many punches that the smaller opponent collapses**. Apple's nearly unlimited legal budget means they can keep this up indefinitely. For a startup made insolvent by Apple's censorship, this deluge is crippling. It takes all our energy to respond to each maneuver, leaving little room to actually advance our case's merits.
- **Delay Tactics Harm the Public:** Apple benefits from **dragging out** proceedings. Every month that our case is tied up in procedural knots is another month Apple maintains its monopoly rents and practices. We sought prompt resolution (antitrust cases are supposed to be expedited where possible due to the ongoing harm), but Apple has consistently pushed to **slow the case down**. Ironically, they accuse *us* of burdening the court, while they file motion after motion to prevent a trial on the merits, or even to convince the Ninth Circuit that *there exists no appeal*. The **public harm** here is real: if Apple is indeed violating antitrust laws (as we allege and as the DOJ also contends in its suit), then **every extra day of delay** means consumers and developers continue to suffer higher prices, fewer choices, and stifled innovation. Justice delayed truly is **justice denied** – not just for us, but for everyone dependent on a fair digital marketplace.
- **Attempts to Delegitimize and Muzzle Us:** The most upsetting part has been Apple's efforts to **attack our integrity and shut down our voice**. Rather than engage with the substance of our claims, Apple's filings unfairly paint us as vexatious litigants and even seek to **gag us from filing new cases**. They invoked **Rule 11 sanctions** (a tool meant for extreme bad-faith litigation) simply because we refused to drop our complaint at their command. They went so far as to demand a **nationwide injunction** to ban not just us but anyone "associated" with us from suing Apple ever again, for any future harm! This is **unheard-of overreach** – punishing people who aren't even before the court, in perpetuity just to shield Apple from future accountability. Such a request **tramples on our First Amendment petition rights** and has a frightening chilling effect: if granted, it would scare off any other critic or developer from daring to seek justice against Apple. Thankfully, as we noted, the **Supreme Court just reaffirmed** that courts should not issue broad injunctions beyond the parties in a case (in a June 27, 2025 decision thanks to vigorous advocacy by the DOJ to restore our nation's checks and balances and uphold the constitution that makes our nation great) – yet Apple's lawyers at Gibson Dunn press on

as if rules and precedents don't apply to them. They told us they would defy CASA, that we "misinterpreted" it. We asked how we misinterpreted, that we wanted Tim Cook notified (as if he shouldn't have been already) and to obtain his direct authority to defy CASA. Then, silence. Their message is clear: *fight us, and we will make your life miserable and your efforts futile*. It's the hallmark of a bully, not a law abiding actor.

- **Personal Smears and Intimidation:** Outside the official filings, Apple's counsel have at times resorted to **ad hominem behavior** – dismissive or demeaning remarks about our attorney, insinuations that our founders are "in the hinterlands" with "Frankenstein" ideas, for persisting in this cause, etc. These tactics are meant to isolate us and sap our morale. Being a **disabled physician**, one of our founders felt this directly; instead of treating him as a respected adversary with points to be heard, Apple's team has treated him as a nuisance to be squashed. We've filed lawsuits wondering why Google shut down our OkCaller.com product – a bedrock of internet safety that provided free caller ID to over one hundred million individuals. That court, under similar tactics and pressures, never let the inquiry proceed. This kind of **intimidation behind the scenes** is something we can sense even if it's hard to prove. It's a classic move by dominant firms: make the fight so personal and perilous that the upstart thinks twice.

Despite all of this, we remain **determined**. Our resolve comes from knowing we are on the **right side of history** – many landmark antitrust and civil rights cases were initially mocked or opposed by those in power, yet those who persevered were vindicated by history. It also comes from the encouragement of ordinary people – fellow developers, consumers, even some Big Tech employees – who have whispered to us *"keep going, you're doing the right thing."* And frankly, our resolve is strengthened by the rising tide of global scrutiny on Big Tech. We take heart knowing that **regulators, journalists, and the public** are increasingly aware of the problem. We just need a fair forum to prove our case. Unfortunately, we worry that the public will become truly apprised of this when a crisis hits and it is too late – whether it be unpredictable AI ramifications, a foreign adversary weaponizing Big Tech, a mass health or environmental catastrophe from Apple's conduct, or an extreme censorship event.

A Broader Plea for Assistance

This fight is not just about us. We are **ringing the alarm bell** on behalf of everyone who values a free and fair digital future. We therefore extend an **urgent call to the public and all stakeholders** to rally to this cause in whatever capacity they can:

- **Legal and Academic Community:** We beseech **antitrust experts, constitutional scholars, public interest lawyers, and technologists** – please consider lending your expertise. File an **amicus brief**, write an article, speak to the media, help educate others on the issues at stake. If you have insight into how Apple's practices affect competition or rights (or if you have data, research, or client experiences that can shed light), your voice can greatly assist the court and inform public opinion. This case touches on novel intersections of **antitrust and free speech**, on the concept of **developers as a disenfranchised class**, and on **private monopolies controlling public squares**. These are

areas ripe for learned input. Your contribution could make the difference in how the law addresses Big Tech power going forward.

- **Government and Regulators:** We urge officials at the **Department of Justice, Federal Trade Commission, state Attorneys General**, and international competition agencies: **review this case closely** – and don't hesitate to act. We are essentially acting as "private attorneys general" on a limited budget; the government has far greater resources and authority. If you see merit in our claims, consider **supporting our case** formally or informally. At minimum, our evidence and experiences could bolster your own investigations into Apple's conduct. (We stand ready to share information with enforcers.) For instance, the **DOJ's 2024 lawsuit** against Apple (and a similar one by several state coalitions) is a strong step, but as we noted, it may not capture everything. Issues like **Apple's suppression of certain apps or its broader cultural influence** might fall outside purely economic antitrust theories – but they are deeply relevant to competition in a comprehensive sense. We ask regulators to view these concerns holistically. **If there ever was a time for unity between private litigants and public enforcers, it is now.** Together, we can cover all angles and ensure Apple is held to account on every front where it harms the public.
- **Everyday Consumers and Developers:** To **iPhone users, small developers, startup founders, concerned parents, and citizens at large** – your role is perhaps the most important. **Spread the word** about what's happening. Big Tech counts on public apathy or ignorance; they bankroll slick PR campaigns to keep their image shiny. It's up to all of us to **share the real stories**. Discuss these issues on social media, write to your representatives demanding tech accountability, and support organizations working for competition (many non-profits and grassroots groups are now focused on tech monopoly issues). If you have a personal story of how Apple's policies hurt you – maybe as a developer who had an app removed, or a consumer stuck with higher prices – **come forward**. Public pressure can influence outcomes: Apple, like any company, cares about its reputation. If enough people begin to question Apple's behavior (instead of being merely "impressed" by the latest iPhone), change will follow. Remember, **democracy is not just about voting**; it's also about holding powerful private actors accountable through our collective voices and choices. Don't underestimate the power of **speaking up and demanding better**.

Tim Cook's Resignation is Overdue – Restoring Apple's Spirit of Innovation and Fair Play

We **admire great technology and innovation used responsibly**. Under Steve Jobs' leadership, Apple produced amazing, world changing products – the Mac's user-friendly interface revolutionized personal computing, and the iPhone literally brought the mobile internet to over a billion people. Apple has *beyond doubt* contributed immensely to progress in tech and society. **But when any company becomes so powerful that it feels untouchable – *absolute power corrupts absolutely* – the balance must be restored.**

Unfortunately, **Apple under CEO Tim Cook has strayed from that path of innovation and public-minded leadership.** Even prominent industry peers have observed that Apple's revolutionary spark has dimmed. For example, Meta's CEO Mark Zuckerberg recently remarked

that Apple "[hasn't] really invented anything great in a while" – essentially coasting on the iPhone's success from two decades ago (The Verge, Jan 11, 2025). Indeed, aside from iterative improvements to existing products, Apple has not delivered a truly groundbreaking new product or service in the past decade. Its two highly touted big bets under Cook – the self-driving **Apple Car** project and the **Apple Vision Pro** AR headset – **have failed spectacularly**. The car initiative (Project Titan) was **quietly shuttered after nearly 10 years of costly R&D**, an outcome Bloomberg's Apple insider Mark Gurman called "a clear admission of failure" by the company in early 2024 (Bloomberg, Feb 5, 2024). And the Vision Pro headset, introduced with great fanfare, fizzled out just as quickly – launched late and **met with consumer apathy, it was reportedly discontinued within its first year** due to poor adoption (Medium, Dec 13, 2024). In short, Apple's current leadership has little to show in the way of true innovation; instead of leading the industry, the company seems intent on **protecting its past turf at all costs**.

Those **"costs" have been not only financial but also reputational and moral.** Under Tim Cook, Apple has increasingly devoted its vast resources to **entrenching a monopoly and quashing dissent**, rather than delighting customers with new ideas. Apple's App Store – a **core of its monopoly power** – has drawn intense legal scrutiny. In 2019, the U.S. Supreme Court **allowed consumers to sue Apple** for App Store monopolization (Apple v. Pepper), and in 2023-24 Apple finally faced a landmark **antitrust lawsuit from the U.S. Department of Justice** and several states alleging that the company **unlawfully monopolized the smartphone market** to stifle competition and harm consumers (Reuters, Mar 21, 2024). Instead of addressing these concerns or opening up its ecosystem, Apple under Cook has **doubled down on exclusionary tactics** – fighting every regulatory attempt to rein it in. The company spent **record amounts lobbying** against bipartisan antitrust bills that would have opened up app distribution. Tim Cook even personally traveled to Washington to press lawmakers to block reforms that would threaten Apple's tight control over the App Store. At the same time, Apple has paid untold sums (likely running into the upper **hundreds of millions of dollars**) to top law firms – chiefly the notorious **Gibson, Dunn & Crutcher** – to fend off lawsuits and intimidate those who dare challenge its dominance.

Apple's lawyers at Gibson Dunn **attacked and defeated a prior related suit on technicalities**, getting the case dismissed *with prejudice*. Gibson Dunn even boasted about **"getting Apple out of a $200 billion" lawsuit brought by Coronavirus Reporter's creators** (Law360 via Gibson Dunn press release, Feb 26, 2025). In court, Apple's legal team portrayed the suit as baseless "scattershot" claims – effectively smearing the petitioners and deterring others from questioning Apple's conduct (Bloomberg Law, Nov 3, 2023). The merits of the issue – whether Apple's monopoly had indeed harmed pandemic response innovation – were never even heard, because Apple's might silenced the challenge before it could gain traction.

This is not the Apple we once admired. A company that was synonymous with empowering the "little guy" through technology has, under Tim Cook's tenure, become a Goliath using its power to crush the very spirit of competition and creativity that once defined it. Cook's legacy as it stands will not be new breakthrough products or visionary leaps – it will be a decade spent *defending a felony antitrust enterprise* (as some critics put it) and **using armies of lobbyists and lawyers to maintain Apple's gatekeeper grip** on the market. This defensive, domineering strategy might

serve Apple's short-term profits, but it undermines the public's trust and the long-term vibrancy of the tech ecosystem.

That is why **we are publicly calling for Tim Cook's resignation**. We hereby seek a formal, substantive response from Mr. Cook and the Board of Directors. It is time for a leadership change at Apple – one that can refocus the company on genuine innovation and ethical engagement with the broader community, rather than political maneuvering and legal scorched-earth tactics. Along with this call, we urge Congress (and other relevant authorities) to hold **public hearings to investigate Apple's anti-competitive practices and its suppression of petitioners' rights**. The fact that Apple's lawyers felt empowered enough to attack a small medical team's First Amendment right to petition the courts – simply because those individuals dared to challenge Apple's monopoly – should alarm every American who values democracy. In such hearings, Apple should be made to answer for why it has spent so much effort and money on preserving its dominance at all costs, and whether its behavior has crossed legal and ethical lines in the process. No company, no matter how beloved its products, is above the law or beyond accountability.

In advocating for Mr. Cook to step down, **we are advocating for Apple to be saved from itself**. We want to see an Apple that returns to competing in the marketplace of ideas – **building great products on a level playing field – instead of rigging the rules and crushing competitors**. Over a century ago, the United States enacted the **Sherman Antitrust Act (1890)** for exactly this kind of scenario: to **check private corporate power that threatens the public good**. As the U.S. Supreme Court once affirmed, the Sherman Act was designed as "a comprehensive charter of economic liberty aimed at preserving free and unfettered competition" in our economy (Supreme Court, 1958). Enforcing that law now in the case of Apple isn't "anti-Apple" – it's **pro-competition, pro-consumer, and pro-innovation**. Likewise, upholding the **First Amendment right** of individuals to petition the government (through lawsuits and complaints) without fear of retaliation is **pro-justice and pro-democracy**. We stand for these American principles.

Tim Cook's Direct Role in Apple's Court Defiance

In a stunning rebuke, a U.S. federal judge found that Apple **willfully violated** a court injunction intended to open up App Store competition . At the center of this defiance is Apple's CEO, **Tim Cook**. Evidence from the *Epic Games v. Apple* case shows that Cook was directly involved in choosing a path of non-compliance. According to the court, Apple executive **Phil Schiller** – who oversaw the App Store – urged the company to **comply** with the injunction, understanding the legal boundaries. But **"Tim Cook ignored Schiller and instead allowed Chief Financial Officer Luca Maestri and his finance team to convince him otherwise"**. In other words, Cook overrode internal warnings and green-lit a scheme that flouted the judge's order. As Judge Yvonne Gonzalez Rogers put it, *"Cook chose poorly."* The **buck stops with Tim Cook** as CEO – it was his decision to **prioritize Apple's profit over obeying a federal court order**, leading the company into contempt. It is clear to us that Mr. Cook has lost his ability to lead, and surely, Apple has held internal conferences over this crisis. We call on Apple to release those reports to the public, and if not, we call on the DOJ to obtain these internal reports for prompt public disclosure. The nation deserves to know the truth about who controls our internet.

Apple didn't just delay implementing the injunction – it actively **thwarted the injunction's goals** and *"continued its anticompetitive conduct solely to maintain its revenue stream,"* the judge found. She held Apple in **contempt of court** and even took the extraordinary step of referring Apple (and one of its executives) to the U.S. Justice Department for a potential **criminal contempt** investigation. This is a damning outcome for Apple's leadership. It's practically unheard of for a company of Apple's stature to be threatened with criminal contempt – a consequence of **decisions made on Tim Cook's watch**. Cook's choice to resist the injunction now exposes Apple to legal peril and public shame. The message from the court was clear: *"This is an injunction, not a negotiation… The Court will not tolerate further delays."* Apple was ordered to immediately cease its obstruction and comply fully. In short, **Tim Cook's calculated gamble to ignore a court order backfired spectacularly**, tarnishing Apple's credibility and raising serious questions about his leadership.

Apple's misconduct under Tim Cook didn't stop at simply skirting the rules – it **escalated to deceit**. During the post-trial compliance hearings, an Apple Vice President of Finance, **Alex Roman**, took the witness stand and **"outright lied under oath,"** according to Judge Gonzalez Rogers . His testimony, which the judge described as *"replete with misdirection and outright lies,"* was part of an Apple strategy to cover up the scheme to dilute the court's injunction. This is effectively **perjury** – a felony. And notably, Apple's **top brass allowed it to happen**. The court pointed out that neither Apple nor its lawyers corrected these false statements; instead, Apple seemingly *"adopted the lies and misrepresentations"* as its litigation position. In plain terms, **Apple's leadership condoned lying to the court** in order to preserve its App Store monopoly tactics. Such a breach of ethics and law on the witness stand is **unforgivable**, and it occurred squarely under Tim Cook's oversight.

The judge's findings reveal a **deliberate cover-up** orchestrated within Apple. Internal documents and testimony showed a **three-part strategy**: *First, design a system that would appear compliant while actually maintaining their monopoly. Second, hide evidence of this strategy through dubious privilege claims. And finally, when caught, lie about it under oath.* Apple followed this playbook to a tee. After the injunction was issued, Apple developed a phony "compliance" plan – adding onerous warning screens to **scare users** away from outside purchases and slapping a token **27% commission** on any external payments (only 3% less than its standard 30% cut). This scheme was designed to **appear** as compliance but in reality to **"stymie the injunction's purpose"**. Apple's own documents admitted they chose the most restrictive, anti-competitive implementation possible, essentially **nullifying the injunction's pro-competitive intent**.

When questioned in court about how Apple arrived at that 27% fee, Apple's finance execs **spun a false tale**. Roman and others claimed the rate was based on an outside study (performed after the fact), denying that Apple had considered how the paltry 3% discount would be negated by developers' own payment processing costs. These claims were later exposed as blatant lies – internal analyses (belatedly disclosed) proved Apple **knew** that a 3% discount was meaningless and had set the 27% fee long before any study, precisely to discourage developers from steering users away. The judge was aghast, noting Apple even had contemporaneous records showing the plan was decided in mid-2023, yet an Apple executive **lied under oath** that no decision was made until 2024. By failing to correct these falsehoods, Apple's leadership effectively sanctioned

perjury. **Tim Cook cannot shrug this off** – a company's culture of honesty and legal compliance flows from the top. If Apple's finance team felt empowered to mislead a federal judge to protect the **"Apple tax,"** that empowerment came from the very top echelons of Apple. It's an ethical and legal failure of **leadership** of the highest order. The court's reaction says it all: Apple's behavior "**strains credulity**" and amounted to an "**obvious cover-up**".

Years of Monopolistic Tactics and Legal Battles

This contempt finding is not an isolated incident but the culmination of **years of Apple's monopolistic tactics** under Tim Cook. It's worth noting that Apple's obstruction in the Epic case echoes its behavior elsewhere. Around the world, whenever forced to loosen its grip, Apple has employed similar **malicious compliance** tactics. In the Netherlands, for example, Apple faced regulatory orders to allow alternate payment options; Apple responded by imposing a **similarly high commission** on those transactions, resulting in almost no developer uptake . This pattern of **delaying, minimizing, and resisting** any pro-competitive change has been a hallmark of Apple's strategy under Cook. Apple would rather **spend enormous sums on legal fees** and lobbying than cede any control. (Indeed, in the Epic litigation alone Apple initially sought over $70 million in fees from Epic, suggesting Apple's own legal tab was even higher – and that is just one case.) Tim Cook has led Apple with a **scorched-earth legal policy**: protect the App Store monopoly at all costs, even if it means skirting the spirit of the law or outright violating a court order. Little wonder that Apple now faces a slew of other legal challenges, from another class-action by developers demanding restitution for inflated fees (we were first to file that claim, but it was likewise ignored by Judge Chen), to consumer lawsuits and antitrust probes accusing Apple of **illegally monopolizing** markets. The **Sherman Act** – the main U.S. antitrust law – deems willful monopolization a felony offense, and many observers see Apple's App Store dominance and tactics as running afoul of these laws. Yet rather than reform, Apple under Cook has chosen to double down, year after year. This raises an alarming question: **Has Tim Cook's stewardship turned Apple into an outlaw enterprise that believes it is above the law?**

Demanding Answers and Accountability

Given the gravity of these findings – contempt of court, deliberate deception, and years of antitrust abuse – it is **shocking that there isn't more public outrage** demanding Tim Cook's resignation. Apple likes to market itself as a company of integrity and fairness, but its CEO has presided over (and by all evidence, personally directed) a campaign of **lawless behavior** to shield Apple's cash cow. The situation calls for nothing less than a full accounting from Mr. Cook. **We, the public and the developer community, demand answers** – and not the usual PR spin or evasions. Specifically, Mr. Cook must answer:

- **Why did you allow Apple to willfully defy a federal court's injunction?** A U.S. judge found Apple in **contempt** for essentially ignoring her order. How could the CEO of one of the world's biggest companies countenance such blatant disrespect for the rule of law?
- **Why did you tolerate (or induce) blatant perjury by your executives?** An Apple VP lied under oath – an act the court has referred for **criminal investigation** . This happened

on your watch. Did you not know it was occurring, or did you think winning was more important than the truth?

- **Why have you spent nearly a decade and untold millions in legal fees to fend off basic competition?** Rather than comply with laws and court orders aimed at opening up the App Store, Apple under your leadership has fought tooth and nail – in courtrooms from Oakland to Brussels – to **preserve a 30% app tax** and your gatekeeper power. Are Apple's profits really worth more than compliance with the law and the trust of users and developers?
- **Why is Apple still bullying smaller developers, even those who are vulnerable?** Apple's lawyers have taken aggressive legal actions against individual developers – **harassing a disabled app developer** on at least several instances and disrespecting his boss, a scientist who modernized cardiology as we know it. Why would you permit your legal team to attack a small, disabled developer with such tactics, instead of resolving the matter humanely?

These questions strike at the heart of Tim Cook's leadership and ethics. The **silence so far is deafening**. If Tim Cook cannot justify Apple's contemptuous actions – and it's hard to imagine any justification for **lying to a court and flouting the law** – then he is no longer fit to lead Apple. The **power to control information on a billion iPhones** comes with the responsibility to follow the law and uphold basic honesty. Failing that, the only appropriate response might be for Tim Cook to **step down**. The public and Apple's loyal users deserve a CEO who plays by the rules, not one who plays a shell game with justice. **Mr. Cook, the world is waiting for your resignation; you have lost the public's confidence – and the federal courts' approval – to lead**.

Legal Grounds for Demanding CEO Tim Cook's Resignation - CEO Accountability in Corporate Governance

Under U.S. corporate governance principles, the chief executive officer bears ultimate responsibility for the company's conduct. Corporate law views the corporation as acting through its agents (employees and executives), and it holds leaders to account when those agents break the law . In fact, the law recognizes that corporations "do not act independently" – if a company violates legal obligations, those in charge can be held to **the same standard of accountability as the corporation itself** . This aligns with fundamental agency law (respondeat superior), which makes a company liable for wrongful acts by employees done in the scope of their duties for the company's benefit. In short, when corporate misconduct occurs, the CEO is expected to answer for it as a matter of good governance and legal duty.

Tim Cook, as Apple's CEO, owes fiduciary obligations to Apple and its shareholders, including duties of loyalty and care. A core aspect of these duties is **ensuring the company obeys the law** and court orders – no business decision can legitimately include flouting legal mandates. Courts have consistently held that a corporation **"never has legal authority to commit crimes"**, meaning any illegal corporate act is outside the company's valid powers. Corporate directors or officers cannot justify unlawful strategies under the business judgment rule, because a **knowing violation of the law is inherently a breach of loyalty and good faith**. Failing to make a good-faith effort in overseeing legal compliance – or worse, consciously permitting misconduct – violates his fiduciary duties. In essence, Mr. Cook's fiduciary duty obligates him to prevent Apple from

engaging in contemptuous or illegal conduct; if he neglects this obligation or, as alleged, affirmatively chooses an illegal course, he is not meeting the standards expected of a CEO.

Contempt of Court and Corporate Misconduct

The principle of CEO accountability is especially clear when a corporation defies court orders or engages in litigation misconduct. Even if Mr. Cook did not himself testify falsely, the perjury by his subordinate to protect Apple's interests occurred on his watch and, according to the judge, as a direct result of the plan **he advocated**. In legal terms, if a CEO **directs or sanctions a course of action that includes deceiving the court, both the corporation and the individuals involved can be held liable**. The law will not permit top executives to escape responsibility by hiding behind subordinates. Indeed, U.S. courts have long upheld the **"responsible corporate officer"** doctrine, under which a chief executive may be held **personally accountable** for corporate misconduct he was in a position to prevent. As the Supreme Court noted, a CEO has a positive duty to ensure the firm's compliance with the law, and failure to do so – even without direct participation – can justify individual liability. Here, we have allegations (and a court's preliminary findings) far worse than mere negligence: Apple's leadership is accused of **knowingly orchestrating a violation of a federal injunction** and tolerating false testimony to conceal that scheme. Such contemptuous behavior strikes at the heart of the justice system. It demonstrates a **breakdown of governance and ethics at the very top of Apple**. Holding Mr. Cook accountable via public censure and calls for resignation is not only reasonable – it is necessary to affirm that no one, not even the CEO of the world's largest company, is above the law.

Judge Gonzalez Rogers's admonitions underscore how out-of-bounds Apple's conduct was. When a court finds that Apple's executives chose to defy rather than comply, the **"tone at the top"** set by Mr. Cook is in question. Demanding his resignation is a legally grounded response aimed at restoring integrity. It signals that **shareholders and the public will not accept leadership that invites contempt sanctions and criminal referrals**. Corporate history shows that when companies engage in serious misconduct (from Enron's fraud to Volkswagen's emissions cheating), a change in top leadership is imperative to rebuild trust and ensure future compliance. Here, the legal basis is especially strong: Apple's CEO presided over conduct that a federal judge deemed willful, dishonest, and unlawful. And that does not even begin to capture the abuse he permitted against the Plainitiffs in this case, which will be exposed in due course.

What makes the call for Mr. Cook's resignation especially compelling is the **pattern of defiance** that appears to persist. In the present case, Apple has continued to take positions that are, by all indications, **defiant of clear legal directives** – a posture strikingly similar to the Epic episode. Rather than demonstrating remorse or a commitment to compliance after the Epic contempt finding, Apple's approach in the current litigation suggests **entrenchment**. For example, Apple is actively undermining a Supreme Court ruling (CASA), signifying a **troubling continuity of behavior**. The specifics of Apple's stance here need not be recounted in full to see the larger issue:

Apple's leadership, helmed by Tim Cook, seems willing to **defy legal mandates** it disagrees with, treating court rulings or regulatory requirements as obstacles to be managed rather than obligations to be obeyed. This is anathema to the rule of law. A publicly traded company cannot be allowed to pick and choose which laws or orders it will follow. When such defiance occurs repeatedly, it strongly indicates a **governance failure at the highest level**.

In U.S. law, **contempt of court, perjury, and antitrust violations** are not just technicalities – they are serious offenses that can carry penalties ranging from fines to injunctions to criminal sanctions. A Fortune 50 CEO presiding over a company found in contempt or credibly accused of monopolistic abuse is exceptionally problematic. If Mr. Cook were an executive in a heavily regulated industry (banking, for instance) and his institution flouted legal orders, regulators would likely demand his removal as part of resolving the misconduct. The tech industry is not above similar accountability. Moreover, public policy favors holding top executives to a high standard. The **Sarbanes-Oxley Act**, for example, was enacted to impose direct responsibility on CEOs for the accuracy of their companies' disclosures and internal controls, underlining that **Congress believes chief executives must personally ensure corporate integrity**. While the issues here involve antitrust and litigation conduct rather than financial reporting, the principle is analogous: Tim Cook, by virtue of his position, must answer for Apple's pattern of law-skirting behavior. Under the **responsible corporate officer doctrine**, authorities can even pursue executives personally for corporate offenses in certain contexts.

Given all of the above, a public call for Tim Cook's resignation is not only reasonable – it is firmly grounded in legal principle and the norms of corporate governance. We are not asserting this lightly or out of mere disappointment in litigation outcomes; we are asserting it because **the rule of law and the integrity of a major corporation have been put at risk by Mr. Cook's decisions**. In the corporate realm, resignation or removal of a CEO is a drastic step, but it is warranted when leadership's actions undermine legal compliance and corporate credibility. Here, multiple legal doctrines converge on the same conclusion: **ultimate responsibility rests with the chief executive**. Mr. Cook's stewardship has led Apple into contempt of court findings, potential perjury by those under his command, and credible claims of antitrust violations – all of which violate the basic covenant that corporations must operate lawfully. By demanding his resignation, we invoke the long-established idea that corporate power **must be accountable to legal and ethical standards**. This demand is made in the interest of shareholders, consumers, and the judicial system alike. It seeks to uphold the fundamental principle that **no one in a corporation is above the law – not even the CEO** .

In sum, U.S. law provides a clear framework for holding CEOs accountable for corporate misconduct. A CEO is **not shielded from the consequences of the company's illegal actions**; on the contrary, the CEO is ordinarily the first person who must answer for them. Concepts of agency and fiduciary duty dictate that Mr. Cook cannot escape responsibility for Apple's litigation strategy and policy decisions that have been deemed unlawful. Mr. Cook's continued leadership, in the face of these legal transgressions, poses a risk to Apple's stakeholders and its reputation as a lawful actor in the marketplace. Removing or replacing a CEO is never done lightly, but corporate governance also teaches that **ethical conduct and legal compliance start at the top**. When that

top leadership falls short in such dramatic fashion, change is not only justified – it is imperative to protect the company's future and the public interest.

Conclusion

Apple's loyal customers, its developers, and the broader public deserve an Apple that lives up to its credo of thinking different – not a company that simply thinks it's *too powerful to be held accountable*. To restore that vision, and to **restore trust in Apple's role in the tech world**, we believe Tim Cook must resign and allow new leadership to guide Apple in a better direction. Apple should thrive by leading through innovation and fair competition, not legal bullying. In the end, this change is not just about one company's future – it's about reasserting the idea that **no matter how successful a business becomes, it must play by the rules that protect us all.**

At this moment, however, it seems like those values are slipping away. We have been fighting essentially **alone** for years – despite valiant advocacy by our counsel, we haven't yet found a single government agent or judge willing to stand up and say, *"Let's give these folks a fair hearing."* That absence of support is **deeply unsettling**. It suggests that something is **amiss in our culture** – that too many have become desensitized or resigned to corporate overreach, or even enthralled by it. But we believe people *do* know right from wrong, and when confronted with the facts, they *will* care. The outpouring of antitrust sentiment in recent years is evidence that the tide can turn.

Reining in Apple will not solve all the world's problems, we agree. But it would be a start – a crucial first step in showing that **no entity, no matter how rich or popular, is above the law or beyond accountability**. It would send a message to other tech giants that they, too, must **play fair and respect basic rights**. It would restore some faith that our system can self-correct when it veers toward oligarchy.

In conclusion, we **implore the Court** to grant our immediate requests for a public hearing and an amicus call – and to seriously contemplate prompt DOJ referral. We **urge the public** to stay informed and engaged. This case is at a crossroads: either it becomes another instance of a Goliath quietly crushing a David, or it becomes a **turning point** in the fight to reclaim digital freedom. With your help – the Court's and the public's – we are hopeful it will be the latter.

Thank you for reading and considering our urgent plea. Together, we can ensure that **justice prevails** and that Apple's power, for the first time in a long time, faces meaningful checks. The **canary in the coal mine** is singing – let's not ignore it.

Approved for distribution by Counsel for Plaintiffs.

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